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PATENT APPLICATION

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joan Fallon

Examiner: Zachariah Lucas

Serial No: 09/990,909

Group Art Unit: 1648

Filed: November 16, 2001

Docket: 8016-5

**For: METHODS FOR DIAGNOSING PERVASIVE DEVELOPMENT
DISORDERS, DYSAUTONOMIA, AND OTHER NEUROLOGICAL
CONDITIONS**

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action dated May 22, 2002, Applicant provisionally elects the claims of Group I (claims 1-12), with traverse.

As set forth in MPEP § 803, if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though the application contains claims to independent and distinct inventions.

While the inventions of Group I and Group II may be distinct for the reasons set forth by the Examiner, it is respectfully submitted that simultaneous examination will not present a serious burden.

CERTIFICATE OF MAILING 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence (and any document referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail, postage paid in an envelope addressed to : Director of the U.S. Patent and Trademark Office, Washington, D.C. 20231 on June 24, 2002

Dated: 6/24/02



Frank V. DeRosa

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For example, the claims of Group I are drawn to a method for determining if a person has, or could develop, a disorder, wherein a stool sample is analyzed for the presence of a pathogen, and the claims of Group II (13-20) are directed to a biomarker for determining if a person has, or could develop, a disorder, wherein the biomarker comprises the presence of a pathogen in a stool sample. Groups I and II include subject matters that are related and commonly classified. As such, it is respectfully submitted that there would be no burden on Examiner to simultaneously examination claims of Groups I and II. Under such circumstances, it is respectfully requested that Examiner maintain all claims in the same application.

In response to Examiner's request for species election (finding claims 13 and 14 generic), if Examiner maintains claims 13-20, as well as provisionally elected claims 1-12, Applicant further provisionally elects the species of *Helicobacter pylori*.

Respectfully submitted,

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